

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KARL FUGATE,	:	
	:	Case No. 1:19-cv-00030
Plaintiff,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	Magistrate Judge Stephanie K. Bowman
RON ERDOS, et al.,	:	
	:	
Defendants.	:	

DEFENDANTS' MOTION FOR AN EXTENSION
OF TIME TO COMPLETE DISCOVERY

Named and Served Defendants, by and through counsel, respectfully move this Court, pursuant to Fed. R. Civ. P. 6(b)(1)(A), to extend the discovery deadline by sixty (60) days. In addition, as a result of such, the Defendants move that the dispositive motion deadline be moved sixty (60) days as well. A Memorandum in support is attached.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

Pursuant to a March 28, 2019 Calendar Order, this Court set a discovery deadline of October 31, 2019 and a dispositive motion deadline of December 31, 2019. [Doc. #11, PageID#108]. Recently, Defendants' Motions to Dismiss (Doc. #9, Doc. #26) were decided upon on October 9, 2019. [Doc. 34, PageID203]. Defendants now move for an extension of the discovery deadline of sixty (60) days to December 30, 2019 and, as a result of such, that the dispositive motion deadline be moved sixty (60) days to March 2, 2020.

Fed. R. Civ. P. 6(b)(1)(A) provides that a court may extend the date for the doing of an act upon a showing of good cause if the request is made within the time remaining for the act to be performed. Further, S.D. Ohio Civ. R. 16.2 provides that a Magistrate Judge "may modify scheduling orders upon a showing of good cause."

Here, Undersigned asserts good cause exists. As Defendants' Motions for Dismissal were recently ruled upon, additional time is needed in this case to conduct further discovery including witness interviews and to possibly conduct a deposition. This request is not made for purposes of delay and should not result in any prejudice to either party's case as an extension would likely benefit both parties in this instance.

Therefore, Undersigned counsel seeks sixty (60) additional days to the discovery deadline and, as a result, the dispositive motion deadline. If granted, the new discovery deadline would be December 30, 2019, and the dispositive motion deadline would be March 2, 2020. It is hoped that, if granted, the extension will not cause the Court any inconvenience.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing *DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO COMPLETE DISCOVERY* was filed via electronic transmission on October 29th, 2019, and was sent by regular, first-class mail to Karl Fugate, #A528-949, Ohio State Penitentiary, 878 Coitsville-Hubbard Road, Youngstown, Ohio 44505.

/s/Zachary M. Holscher

ZACHARY M. HOLSCHER

Assistant Attorney General